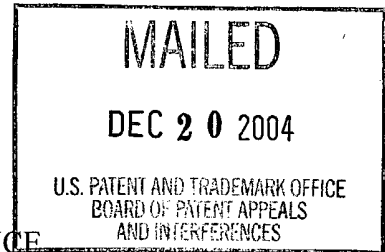


The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* DIETER WENNINGER, WERNER KARMANN,  
GERHARD BIR, SVEN HANSEN, HEIKO LEYDECKER,  
STEFANIE KAPROLAT, RALF HIRSCH and KLAUS MASSOW

---

Appeal No. 2004-1845  
Application 09/641,014

---

ORDER DISMISSING APPEAL

---

Before HARKCOM, *Acting Chief Administrative Patent Judge*, and WARREN and NASE,  
*Administrative Patent Judges*.


*Per curiam.*

The record shows that appellants filed a Request For Continued Examination (RCE) on November 15, 2004.

Pursuant to the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the Appeal filed January 21, 2003, is *dismissed*.

*DISMISSED*

  
JEFFREY V. NASE  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. 2004-1845  
Application 09/641,014

Norris McLaughlin & Marcus, P.A.  
875 Third Avenue  
18th Floor  
New York, NY 10022